

Application No.: 10/584,821
Filing Date: March 13, 2008

AMENDMENTS TO THE DRAWINGS

Please replace Figure 34 with amended Figure 34 enclosed herewith.

REMARKS

Claims 12-17 and 20-24 were pending before the Examiner. Claims 12, 20, and 22 have been amended herein. Support for the amendments can be found in the claims as filed and in the specification. Applicants acknowledge receipt of the Office Action mailed on June 25, 2010. Applicants have carefully considered all objections and rejections raised by the Examiner and respond hereto in detail.

Election and Rejoinder

Applicants thank the Examiner for indicating that the elected species was deemed free of prior art.

Sequence Listing

The undersigned hereby states that the content of the computer readable copy of the Sequence Listing (provided on an ASCII text file), included as part of the application filed herewith, does not include new matter.

Pursuant to the USPTO's "LEGAL FRAMEWORK FOR EFS-WEB (17DEC09)", the text file submitted herewith will serve as both the paper copy required by 37 CFR 1.821(c) and the CRF required by 37 CFR 1.821(e). Applicants request consideration and entry of the Sequence Listing computer readable copy.

Specification

The Examiner objected to the abstract. The Examiner reiterated the requirement that the abstract must be a single paragraph, and reminded Applicants of the proper language and format for the abstract. Applicants respectfully submit that the abstract of the present application meets these requirements and guidelines.

The Examiner also took the position that an abstract on a separate sheet was required to replace the abstract on the front page of the PCT publication (WO 2005/065241). Applicants respectfully submit that an abstract on a separate sheet is not required because the present application is the national phase of the referenced international application. *See* M.P.E.P. § 608.01(b).

Drawings

The drawings were objected to because the amino acid sequences in Fig. 34 were not identified by SEQ ID NO and a Sequence Listing had not been submitted. Applicants submit an amended Fig. 34, which identifies the amino acid sequences by SEQ ID NO. In addition, a computer readable copy of the Sequence Listing is being submitted herewith.

Rejection of Claims 22-23 under 35 U.S.C. § 102(b)

Claims 22-23 were rejected under 35 U.S.C. § 102(b) as being anticipated by either Sandanayake et al. (*Chemistry Letters* **1995**, 139-140) or Kataoka et al. (*J. Biochem.* **1995**, 117, 1145-1147). Applicants respectfully disagree. Applicants respectfully submit that the cited references do not disclose the compounds of Claims 22-23 as presently amended. For example, neither Sandanayake et al. nor Kataoka et al. disclose a compound having a structure represented by Formula (V), wherein R₉ is CF₃.

Rejection of Claims 12-13, 15, 17, and 20-24 under 35 U.S.C. § 103(a)

Claims 12-13, 15, 17, and 20-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of either Kataoka et al. or Sandanayake et al. and Koschinsky et al. (*Diabetes Metab. Res. Rev.* **2001**, 17, 113-123).

The Examiner takes the position that although Kataoka et al. and Sandanayake et al. teach the measurement of glucose, they do not teach contacting the compounds directly with the body/skin or with a reagent strip. The Examiner further takes the position that Koschinsky et al. teaches optical measurement of glucose through contacting skin with a glucose sensor test strip.

Applicants respectfully disagree. As explained herein, Applicants respectfully submit that the cited references do not disclose or teach the compounds of the present claims. This shortcoming is not resolved by the teachings of Koschinsky et al. as described by the Examiner. Accordingly, Applicants respectfully submit that Claims 12-13, 15, 17, and 20-24 are patentable over Kataoka et al. or Sandanayake et al. and Koschinsky et al.

No Disclaimers or Disavowals

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Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Docket No.	Serial No.	Title	Filed
MLA.026CPCPCCC	11/349,731	NON-INVASIVE MEASUREMENT OF ANALYTES	Feb. 7, 2006
MLA.028C1	11/475,784	SMMR (SMALL MOLECULE METABOLITE REPORTERS) FOR USE AS IN VIVO GLUCOSE BIOSENSORS	Jun. 26, 2006

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 21, 2010

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